August 5, 2002

Docket Management System
U.S. Department of Transportation
Plaza 401, 400 Seventh Street, S.W.
Washington, DC 20590-0001

RE: FAA-2002-12261 - Notice #02-09
RIN 2120-AH63 - Reduced Vertical Separation Minimumin Domestic United States Airspace

To Whom It May Concern:

Wisconsin Aviation is the state's largest air-charter carrier, operating a substantial fleet of Part 135 aircraft from single/multi-engine piston aircraft through turboprops and jets.

There is no question that within the next ten years or so, air traffic will substantially increase, thereby increasing IFR flights significantly. The proposed 1000' separation will, in conjunction with the improvement of ATC equipment, hopefully alleviate some of the anticipated air traffic congestion.

However, in the interim we feel that to impose the regulation, as stipulated by the NPRM, on the entire GA turbine fleet is not realistic. The reason, very simply, is operator cost. Wisconsin Aviation's charter fleet consists of 28 Part 135 aircraft. Eight of these airplanes are turbine-powered and include 5 Cessna Conquest IIs, 2 Citation jets, a 501, an S-II, and a Mitsibushi 300 Diamond 1A. None of these aircraft currently have the required DRVSM packages. In fact, there currently are no such upgrade packages available to the C-441s nor the C-501 below Serial #275, the category in which our Cessna falls. We operate these aircraft on a daily basis across the entire North American continent. The monetary outlay to retrofit these aircraft with DRVSM packages within a one-year time frame would create a serious and unacceptable financial and operational hardship. Further, if we could not accomplish this transition within the time stipulated, our aircraft would be required to conduct operations below FL 290, thereby subjecting us to even more financial consequences because of the higher fuel burn ratio experienced at these lower levels.

We have estimated that direct cash outlay for the DRVSM upgrades to our 8 turbine aircraft would, in one year, cost us the following:

- 5 C-441 Conquests - $150,000 each, assuming the packages are even available.
- 1 Citation 501 - $300,000, assuming the package is available for aircraft below Serial #275, as ours is.
- 1 Citation SII - $130-150,000
- 1 Mitsubishi Diamond 1A - $140-$150,000.

This estimate is approaching $1.4 million.

Additionally, this initial seven-figure outlay does not include the anticipated loss of revenue for the 4-5 week downtime for each aircraft during the DRVSM systems installation. This easily increases our income derivation to a point approaching $2 million. Needless to reiterate, but for a small business to make this commitment in one year, will have a major economic impact on a liquidity of our company. Larger fractional companies with a modern fleet and small entrepreneurial operators with only one or two airplanes will be less affected than a mid-range organization such as ours, operating with many older aircraft.

Based on the foregoing, Wisconsin Aviation suggests that there are other operational alternatives to the three suggested in the NPRM. These options could, at the very least, defer traumatic operator cash outlay over a longer period of time than within one year. Accordingly, consideration should be given to the following suggestions:

- Operators with a larger/older turbine fleet should be allowed to phase the accomplishment of the requisite DRVSM upgrades over a longer period of time.
- During this extended period of time, permit these operators to fly at or below a more efficient altitude, say FL 330 or 350 in lieu of below FL 290.

Rationale for these exceptions is the fact that very few, if any, complex aircraft flying at or above FL 290 have major altimeter errors. Justification for this statement is that aircraft have been flying between FL 290 and 410 with 2000' intervals for decades with very few close incidents–much less accidents. Further, what is so sacrosanct about FL 290 versus, for example, FL 330 or 350? With the oft recommended but little actual upgrading of ATC’s equipment keeping pace with aircraft systems, there should be no reason controllers couldn’t do the same credible job with 1000' intervals as they have done for so long at the 2000' separation.